IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

OP.No. 15999 of 2002(D)

PETITIONER:

SUBHADRA C.V., AGED 52 YEARS,
W/O. K.S. PRABHAKARAN NAIR, H.S. SANSKRIT,
ST. GEORGE'S HIGH SCHOOL, VENNIKULAM,
POKKAPPALLY P.O., ERNAKULAM.

BY ADV. SRI.A.T.ANILKUMAR

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DISTRICT EDUCATIONAL OFFICER,
ALUVA.

3. THE MANAGER, ST. GEORGE'S HIGH
SCHOOL, VENNIKKULAM, POKKAPPALLY P.O.,
ERNAKULAM.

4. VARKEY P.M., H.S.A, ST. GEORGE'S
HIGH SCHOOL, VENNIKKULAM, POKKAPPALLY P.O.,
ERNAKULAM.

BY ADV. SRI.ABRAHAM VAKKANAL
SRI. ABRAHAM VAKKANAL
SR. GOVERNMENT PLEADER SRI. T.T. MUHAMOOD

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO.15999/02

ORDER IN C.M.P. NOS. 26999/02, 27000/02 & 1A NO. 10396/04
IN OP NO.15999/02

DISMISSED

14.6.07 SD/- A.K. BASHEER, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE STAFF STATEMENT OF THE 3RD RESPONDENT SCHOOL ON 1.4.93.

EXT.P2. COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DT. 17.12.01.

EXT.P3. COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 2ND RESPONDENT DT. 3.6.02.

EXT.P4. COPY OF THE ORDER NO.B4.4896/02/L.Dis. Dt. 27.7.02 ISSUED BY THE 2ND RESPONDENT

EXT.P5. COPY OF THE PROCEEDINGS NO.K.Dis. B3-17724/02 DT. 7.12.02 OF THE DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM.

EXT.P6. COPY OF THE JUDGMENT IN W.P.C. NO.25418 OF 2004(A) DT. 29.3.05 OF THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM.

EXT.P7. COPY OF THE GOVERNMENT ORDER NO. G.O. (Rt) NO. 3313/04/GL. Edn. DATED 31.7.04, THIRUVANANTHAPURAM

RESPONDENT'S EXHIBITS:

EXT.R3(a). COPY OF THE PETITION DT. 5.7.02 FILED BY THE MANAGER TO THE D.E.O. ALUVA.

EXT.R3(b). COPY OF THE APPEAL MEMORANDUM DT. 8.8.02 FROM THE RESPONDENTS 3 & 4 TO THE DY. DIRECTOR OF Edn. ERNAKULAM.

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

O.P. NO. 15999 OF 2002

Dated this the 14th day of June, 2007

J U D G M E N T

The bone of contention in this original petition is whether the institution run by respondent No.3 has been accorded minority status as provided under Article 30 of the Constitution of India. Learned counsel for respondent No.3 submits that the issue has been finally settled in view of the order passed by the Government in G.O. (Rt) 5118/05 GEdn. dated 30.11.04. Consequentially, the District Educational Officer, Aluva, had approved the appointment of respondent No.4, who was appointed by the management. But the claim made by the petitioner relates to a vacancy, which had arisen with effect from June 1, 2002.

2. The question whether the management got a minority institution as on the date when the vacancy referred to above had arisen, is a matter to be verified with reference to the records. This shall be done by respondent No.1, if such a motion is made by the petitioner.

Petitioner may make a representation before respondent No.1 highlighting all the relevant aspects. The representation shall be considered and an appropriate decision thereon shall be taken by respondent No.1 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate, within three months from the date of receipt thereof. Needless to mention, petitioner and respondent No.3 shall be afforded sufficient opportunity to be heard before any decision is taken in the matter. While taking a decision, the Government shall keep in view the decision of this Court reported in ***Kurian Lizy v. State of Kerala*** {2006 (4) KLT 264}.

The original petition is disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.15999/02

JUDGMENT

14th June, 2007